

Section 8

Administration and Accountability

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8.6.030 Closed Session Recordings

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- D. The Open Government Officer must review the closed sessions of the City Council, either by attending the portions of the discussions not protected by the attorney-client privilege or by reviewing the portions of the recordings not protected by the attorney-client privilege, whichever method is preferred by the City Council.
1. If the Open Government Officer determines that the closed session conformed to the requirements of the Brown Act and the Sunshine Ordinance, within 72 hours of the closed session, he or she will issue a public finding so stating.
 2. If the Open Government Officer determines that the closed session did not comply with the Brown Act or the Sunshine Ordinance, within 72 hours of the closed session, he or she will issue a public finding identifying the specific agenda item during which the violation occurred.
 3. The City Council may discuss the Open Government Officer's finding of violation in closed session. The Council must issue a response to the Open Government Officer's finding within 30 days.
 4. If the City Council accepts the Open Government Officer's finding of violation, the Council will affirm the Officer's finding in public session and take corrective action as defined in the Brown Act and the Sunshine Ordinance.
 5. If the City Council rejects the Open Government Officer's finding of violation, the Council will announce its rejection of the Officer's finding in public session.
 6. If any member of the public wishes to challenge the City Council's decision, he or she may file a complaint with the Superior Court as set

forth in Government Code Sections 54960 and 54960.1. After reviewing the complaint filed in the Superior Court by a member of the public, the Open Government Commission may seek to join the complainant as a plaintiff in the petition or submit a “friend of the court” brief in support of the complaint.